APPENDIX A

That this is a "cause wherein a final judgment . . . has been rendered . . . by the highest court of a State in which a decision could be had" is shown by the following provisions from the California Constitution and the Rules of the California Supreme Court:

> "The judicial power of the state shall be vested . . . in a supreme court, district courts of appeal, superior courts, such municipal courts as may be established in any city or city and county, and such inferior courts as the legislature may establish . . ."
>
> (California Constitution, Art. VI, §1.)

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> "The supreme court shall have appellate jurisdiction on appeal from the superior courts . . . in all cases, matters and proceedings pending before a district court of appeal, which shall be ordered by the supreme court to be transferred to itself for hearing and decision . . ."
>
> (California Constitution, Art. VI, §4.)

"RULE XXX—APPLICATIONS FOR REHEARING, AND HEARING AFTER DECISION

"Section 1. Unless otherwise specially ordered, or a rehearing be granted, judgments of the Supreme Court in bank become final at the end of the thirtieth day after the date of pronouncement.

"Application for a rehearing of any cause decided by the Supreme Court in bank or for a hearing in bank after a decision in department, and application for a rehearing of any cause, except a criminal cause, decided by a District Court of Appeal must be served on the adverse party and filed with proof of service within twenty days after the judgment is pronounced . . ."

(Cal. Sup. Ct. Rule XXX.)

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"RULE XXI—OPINION TRANSMITTED WITH REMITTITUR

When a case on appeal or certiorari is finally decided, a certified copy of the opinion in the case shall be transmitted with the remittitur to the court or tribunal whose record is reviewed."

(Cal. Sup. Ct. Rule XXI.)

APPENDIX B

The material provisions of the Ohio law upon which the petitioner's cause of action is grounded are:

> ". . . stockholders of corporations authorized to receive money on deposit shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporations, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares."
>
> (Ohio Const., Art. XIII, §3, as amended September 3, 1912.)

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> "Stockholders of banks shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such bank, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares . . . . At any time after taking possession of a bank for the purpose of liquidation when the superintendent of banks ascertains that the assets of such bank will be insufficient to pay its debts and liabilities he may enforce the individual liability of the stockholders."
>
> (108 Ohio Laws (1919) 97, §75, as amended 115 Ohio Laws (1933) 126, §1; Ohio General Code, §710-75.)

"The superintendent of banks, upon taking possession of the business and property of any bank, shall have, exercise and discharge the following powers, authority and duties, without notice or approval of court, but subject to the provisions of this chapter, to-wit:

* * *

"9. If he ascertains that the assets of such bank will be insufficient to pay its debts and liabilities, to enforce the individual liability of each shareholder thereof as provided in section 710-75 of the General Code. Until an order to declare and pay a final dividend shall be entered in the liquidation proceedings the right to enforce such liability is hereby vested exclusively in the superintendent of banks.

"10. For the purpose of executing and performing any of the powers and duties hereby conferred upon him, in his name as superintendent of banks in charge of the liquidation of such bank, to institute, prosecute and defend any and all actions or proceedings within or without this state . . . ."

(108 Ohio Laws (1919) 103, §95, as amended 115 Ohio Laws (1933) 136, §1; Ohio General Code §710-95.)

APPENDIX C

In the brief submitted by the petitioner to the trial court appears the following ("Plaintiff's Memorandum Following Oral Argument", pp. 54, 65-66):

> "Article 4, Section 1, of the Constitution of the United States requires that the courts of California accord full faith and credit to the assessment of the Ohio Superintendent of Banks in the cases at bar."
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> * * *
>
> "Manifestly, there exists no reason whatever to prompt the running of our statute of limitations prior to the levy of assessment in the case at bar that did not also, equally and likewise exist in *Richardson v. Craig*. In other words, there exists no reason, either of logic or of policy, which could possibly justify the court of California to start the running of our statute of limitations against Ohio's Superintendent of Banks at any earlier time than against California's Superintendent of Banks."
>
> * * *
>
> "And it would seem beyond question that any attempt to apply our statute to the cases at bar in such a manner as to start the period of limitation running prior to the Ohio Superintendent's assessment would amount to an unconstitutional denial of full faith and credit to that assessment (*Christmas v. Russell, supra; Rankin v. Barton, supra; Broderick v. Rosner, supra*).

"Furthermore, we submit that for this Court to adopt the defendants' contentions—and apply our statute to the cases at bar in a manner different and less favorable to the *Ohio* Superintendent than the same statute would be applied to a cause of action of the *California* Superintendent under substantially identical circumstances—would violate the constitutional privileges conferred by Section 2 of Article IV of the Constitution of the United States."